

REMARKS

Receipt of the Office Action of November 4, 2008 is gratefully acknowledged.

Claims 11 - 20 have been examined and rejected as follows: (1) under 35 USC 112, first paragraph; and (2) under 35 USC 112, second paragraph.

(1)

There is a correlation between the theoretical flow of the medium through the measuring tube and the geometrical production data of the flow-measuring device [page 2, lines 15-17], and there is another correlation between actual, geometrical, measurement data and the actual flow of the medium through the flow-measuring device [page 2, lines 21-23]. These correlations are, for instance, either collected into empirically determined tables or there is a mathematical model including these parameters. So, after determining the actual, geometrical, measurement data of the flow-measuring device three-dimensionally (the geometrical production data of the flow-measuring device are already known) the theoretical flow and the actual flow of the medium through the flow-measuring device are determined, for example either via comparison of the data included by the empirical table or using the mathematical model. In the mathematical model, the measured values won by (or if one chooses - ascertained) the three- dimensional scanning are used [page 7, lines 24-31]. To win, respective "winning" and "won", therefore means "to derive from" or "to ascertain" or "to calculate" or simply "to determine". The term "ascertained" has been used in the amended claims.

As to the correction factors: M is the correction, or calibration, factor for the flow-measuring device; K is a profile correction factor: and K1 is the profile correction factor of the sound path 1 [page 7, line 3]. Correction, or calibration,

factor M depends on the theoretical flow, determined by the predetermined, geometric, production data of the flow measuring device [claim 11 and claim 19], and the actual flow of the medium through the flow-measuring device, which is determined by the actual, geometric measurement data of the flow measuring device [claim 11 and claim 19]. All the determined/won data are employed in the final determination step. Note the recitation "on the basis of the information concerning the theoretical flow [i.e., M], and the actual flow...device."

As to the final determining step, it does rely on both the actual and theoretical flow previously obtained.

(2)

The claims have been amended to render them definite. All antecedent basis requirements have been met.

As to claim 17, the second "determined" has been deleted as it is duplicative.

As to claim 18, the examiner considers the phrase "of the sound emergence, or sound incidence, surface of an ultrasonic sensor" as confusing, because it is not clear what the alternatives are. But how can a phrase, or the meaning of a phrase respectively, be unclear if there are no alternatives? Here there are no alternatives to the meaning of the phrase known to one skilled in the art. Then in the examiner's statement relative to claim 19, he asks for the meaning "of the sound emergence, or sound incidence, surface of an ultrasonic sensor", and in particular, "what are the alternatives that are suggested by the 'or'"? If an ultrasonic sensor is used as an emitter, ultrasonic signals are emitted from the ultrasonic sensor and so from the sound

emergence surface of the ultrasonic sensor. In contrast, if it is used as a receiver, ultrasonic signals are received by the incidence surface of the ultrasonic sensor. A typical ultrasonic sensor can be used as emitter and as a receiver.

Again regarding claim 19 the examiner asks whether it is directed to a device or a method. It is clearly a device, whereas the preamble is drafted to include method steps for an understanding of the device. The amendment to claim 19 should make this point clear.

In view of the foregoing, reconsideration and re-examination are respectfully requested and claims 11 - 20 found allowable.

Respectfully submitted,

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